

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FIRST BAPTIST CHURCH OF SATSUMA,
Plaintiff,

1:23-cv-11031-KPF

-against-

MT. HAWLEY INSURANCE COMPANY

Defendant.

DEFENDANTS' RULE 26(A)(2) EXPERT DISCLOSURES

Defendant Mt. Hawley Insurance Company ("Mt. Hawley") hereby submits the following expert disclosures pursuant to FED. R. CIV. PROC. 26(a)(2):

Rule 26(a)(2)(B) Witnesses:

Charles Whitley, P.E.
CE Forensics (formerly with Engineering Design & Testing Corp.)
114 Scenic Peak Road
Springville, AL 35146
205-541-9804

Mr. Whitley is expected to testify regarding his investigation of Plaintiff's property and his opinions as to the cause and scope of damage thereto, as set forth in his reports dated December 2, 2021 (**previously produced at bates number MTH 000306 – 395**) and July 6, 2023 (**previously produced at bates number MTH 000535 – 551**). Mr. Whitley is also expected to respond to and rebut the opinions offered by Plaintiff's experts Eduard Badiu of CeBB Engineering & Testing Co., as set forth in his July 6, 2023 report, as well as Dennis James of Triad Restoration Services. His opinions will be based on, among other things, his analysis of the materials provided to him, his inspections of the subject property, communications with other witnesses, industry practices, literature, articles and/or other materials he has reviewed concerning or relating to the damages, and his education, experience, skill and training. A copy of Mr. Whitley's curricula vitae, testimonial history, and professional fee schedule will be supplemented.

Rule 26(a)(2)(C) Witnesses:

Craig D. Hanes
Madsen, Kneppers & Associates, Inc. ("MKA")
3561 Eldorado Parkway
McKinney, Texas 75070
(972) 387-0313

Mr. Hanes is a building consultant hired to assist in Mt. Hawley's claim investigation. In summary, he is expected to testify regarding his property inspections and his opinions as to the scope of damage to Plaintiff's property and the cost of repairs to Plaintiff's property, if any, including those in the MKA estimates previously produced to Plaintiff during the claim investigation (including but not limited to the March 17, 2022 estimate) and again during this litigation. Mr. Hanes will also respond to and rebut the opinions regarding scope of damages and cost of repairs offered by Dennis James of Triad Restoration Services. Mr. Hanes inspected Plaintiff's property, reviewed reports, estimates, and photographs of the premises at issue and prepared estimates of loss during the claim adjustment reflecting his observations regarding the scope of damage and costs of repairs for those areas that Plaintiff contends were damaged as a result of the storm at issue, which have already been produced to Plaintiff. His opinions will be based on, among other things, his investigation and adjustment of the claim, his analysis of the materials provided to him, communications with other experts and witnesses, industry practices, literature, articles and/or other materials he has reviewed concerning or relating to the damages, and his education, experience, skill and training.

Right to Supplement

Mt. Hawley reserves the right for their experts to amend and/or supplement their opinions and reports as additional information becomes available including, but not limited to, additional testimony and/or production of documents. Mt. Hawley also reserves the right for their experts to amend and/or supplement their opinions and reports in response to expert reports and/or testimony provided by Plaintiff's experts, who have yet to be deposed. Further, Mt. Hawley reserves the right for their experts to amend and/or supplement their opinions and reports upon ample opportunity to review and analyze any other data that may be further produced in this matter. Finally, Mt. Hawley reserves the right to supplement this designation upon receipt and review of any documents and/or discovery responses not provided to Defendants prior to our expert deadline.

Respectfully submitted,

/s/Richard L. Smith, III

GREG K. WINSLETT (*pro hac vice*)

RICHARD L. SMITH, III (*pro hac vice*)

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**ATTORNEYS FOR MT. HAWLEY
INSURANCE COMPANY**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing instrument is being served upon counsel for Plaintiff in accordance with the Federal Rules of Civil Procedure on this 16th day of October 2024.

/s/ Richard L. Smith, III

Richard L. Smith, III